

## REMARKS AND ARGUMENTS

Applicant has amended claim one and claim eleven to include the limitation that the blades of the applicant's device are uniformly bent. No new material is presented.

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Applicant requests that the second full paragraph of page 4 in the specification be amended to clarify the claims as amended and has requested that the last paragraph beginning on page 3 and the second full paragraph of page 4 be amended in response to the examiner's objections.

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No new material has been added. The original specification, including figures, clearly depict the tuck tools being uniformly bent and stacking in a parallel manner. (passim) The amendments to the specification are a confirmation of the original disclosure to allow concise and clear claim language with newly included limitation in the claims and in conformity with the recommendation of the examiner.

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## CLAIM REJECTION 35 USC § 102

Claims 1, 5 and 10 have been rejected under 35 U.S.C. 102(b) as anticipated by Schofield '119. The Applicant has amended claim 1 to expressly include the limitation that the tool blades are uniformly bent to permit parallel stacking as per the specification and figures.

Applicant argues that the Schofield claims are subject to the most narrow of possible interpretations as such claims include the express limitations of the specification with language limiting the use of Schofield to, "the purpose described and represented." (claims 1 and 2) Applicant's invention fails to teach to a tool that conforms to the limitations of the Schofield specification and as such, it is respectfully requested that the examiners 102(b) rejection be withdrawn.

Applicant further argues that Schofield '119 claims two elements, A & B. The elements are defined in the figures and specification of Schofield '119 as a form of a handle for a tool that contains additional elements, a b c d e. Schofield '119 provides that

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A & B are distinct and defines A as a "hook" and part B as a "hammer." Further, it is taught that the additional provided elements, a b c d e, though generally unspecified include such elements as a "picker" and "claw."

The elements of Schofield '119 cannot be used in the manner of applicants  
5 claimed invention. Schofield '119 cannot operate in the manner of applicants claimed invention in that the claimed elements of Schofield cannot be used for striking and pointing and the Schofield '119 elements fail to permit nested stacking though use of a uniform bend. In particular, Schofield '119 teaches away from applicants claims of uniformly bent and nested tools for pointing.

10 As such, applicant argues the claims as amended and clarified clearly teach new art that has not been disclosed or taught to in Schofield '119. Applicant requests that the claims, as amended be allowed.

#### CLAIM REJECTION 35 USC § 103

15 Claims 2 – 4, 7 and 11 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield. As per applicant's arguments above in reference to examiners 102 rejection, Schofield does not teach to, disclose, or enable applicant's device. It is requested that in light of the above arguments and amendments to the claims, the 103 rejection of applicant's claims be withdrawn. The use of nested tool  
20 forms for striking and pointing were not taught to or obvious at the time of invention to a person having ordinary skill in this art. To the extent that analogs of applicants elements might be perceived in Schofield '119, as reviewed above, the cited prior art teaches away from the applicants claims, arguing for two elements, A & B which are usable as distinct tools, not nested and encompass or house additional tools.

25 Claims 8 and 9 have also been rejected under 35 U.S.C 103(a) as being unpatentable over Schofield '119 in view of Jones 544,540. The applicant respectfully argues that rejection of dependant claims 8 and 9 in light of the now amended claim 1 is overcome for the above stated reasons.

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## CONCLUSION

In view of the above amendments, remarks and arguments, reconsideration and allowance of the claims as amended is respectfully requested.

5 Respectfully submitted this 19th day of October, 2005, by:

  
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